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2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202-2917
Telephone: 513-241-2324
Facsimile: 513-421-7269
EMAIL: info@whepatent.com

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TO: The Honorable Commissioner
Attention: Dameron L. Jones
Art Unit 1616

FROM: Beverly A. Lyman, Ph.D.

Fax No.: (703) 872-9306

Phone: (513) 241-2324

Date: July 1, 2004

Fax: (513) 421-7269

Pages (including cover page): 23

Re: U.S. Serial No. 09/757,332 HYDROPHILIC CYANINE DYES

ATTACHMENTS/COMMENTS: OFFICIAL

Please deliver to Dameron L. Jones
Request for Continued Examination (RCE) (1 page)
Preliminary Amendment (9 pages)
Terminal Disclaimer (3 pages)
Information Disclosure Statement (2 pages)
PTO Form 1449 (1 page)
2 IDS Cited References (6 pages)

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**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/757,332
Filing Date	January 9, 2001
First Named Inventor	Samuel I. Achilefu
Art Unit	1616
Examiner Name	Dameron L. Jones
Attorney Docket Number	MRD-66

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☒ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☒ Other Terminal Disclaimer

2. **Miscellaneous**

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 23-3000

i. ☒ RCE fee required under 37 CFR 1.17(e) (\$770.00)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☒ Other Terminal Disclaimer Fee of \$110.00

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Beverly A. Lyman, Ph.D.	Registration No. (Attorney/Agent)	41,961
Signature	<i>Beverly A. Lyman</i>	Date	07/01/04

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Rhonda A. Etienne	Date	7/1/04
Signature	<i>Rhonda A. Etienne</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Rhonda A. Etienne July 1, 2004
Rhonda A. Etienne Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Achilefu et al.
Serial No.: 09/757,332
Filed: January 9, 2001
Art Unit: 1616
Confirmation No.: 5505
Examiner: Jones, Dameron Levest
Title: **HYDROPHILIC CYANINE DYES**
Atty Docket: MRD-66

Cincinnati, Ohio 45202

July 1, 2004

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Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

PRELIMINARY AMENDMENT

In response to the Office Action dated April 14, 2004, please amend the above-identified application as follows.

Amendments to the Claims are reflected in the listing of claims which begin on page 2 of this paper.

Remarks begin on page 8 of this paper.